

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2006-3160-SLM

PROJECT MANAGER: Stacy Marshall

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: 4/16/2007

At the project site? Y ☐ N ☐ Date:

PROJECT LOCATION INFORMATION:

State: WI

County: Dane

Center coordinates of site by latitude & longitude: 42.9729 -89.5164

Approximate size of site/property (including uplands) in acres: 6 linear miles

Name of waterway or watershed: Sugar. Illinois, Wisconsin

Type of Aquatic Resource:	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		1.47 ac							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

1 Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

1 Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☒ Or Approved: ☐

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): A wetland delineation report was received in the Waukesha Corps office for concurrence and jurisdictional determination. The report was performed for American Transmission Company, who is proposing to construct approximately six miles of new overhead transmission lines from Verona, Wisconsin to Fitchburg, Wisconsin. The location is Sections 23, 24, and 25, Township 6N, Range 8E and Sections 19, 20, 21, 28, 29 and 30, Township 6N, Range 9E, Dane County, Wisconsin. The landscape in the project area consists gently sloping to sloping topography and is characterized by ground, end and recessional moraines and drumlins. Three wetlands were found in the project area. Wetland W-P/A1 is described as an isolated wet meadow dominated by Reed canary grass, Boxelder, and Silver maple. Wetland W-P2 consists of a wet meadow that is associated with an unnamed tributary to Lake Harriet. Lake Harriet is a land-locked lake with no public access. The dominant species is Reed canary grass. Wetland W-A2 is described as an isolated small forested wet meadow dominated by Boxelder, Reed canary grass, and Giant ragweed. The combined surface area of the wetlands is 1.47 acres.

A review of the topographic mapping provided with the delineation and aerial photography shows that the wetlands lack a surface water connection and adjacency to a water of US. In addition, a connection between the wetlands and interstate commerce was considered but could not be established.